





Docket No.: 04995/114001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kouichi Chikumoto

Conf. No.: 6330

Application No.: 10/634,158

Art Unit: 2653

Filed: August 5, 2003

Examiner: M. S. Blouin

For: **MAGNETIC RECORDING/REPRODUCING  
APPARATUS**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP 7-19820 (“JP”). In maintaining the above rejection and issuing a final office action, the Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set out in M.P.E.P. §2131, which require that the cited prior art teach each and every element as set forth in the claim, either expressly or inherently. In particular, the Applicant respectfully asserts that the Examiner, in construing the claims, has failed to consider the claim limitations in their *entirety*.

Turning to the claims, the claims require that (i) “a projection to be in contact with a front face of the cassette when the cassette is inserted...wherein when the cassette is brought into contact with the projection, the lock releasing arm depresses the lock releasing switch” and (ii) the “a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on the cassette inserting direction side of the hole to position the cassette until the cassette is automatically loaded.” Each of the above limitations is address below.

With respect to the limitation “a projection to be in contact with a front face of the cassette when the cassette is inserted...wherein when the cassette is brought into contact with

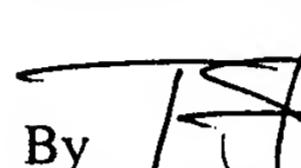
the projection, the lock releasing arm depresses the lock releasing switch," the Examiner has continued to assert that the projection in JP (see Office Action mailed July 15, 2005, Examiner's Drawings) comes into contact with a front face of a cassette when the cassette is inserted. As discussed in the Response to Office Action mailed July 6, 2005, p. 3, there is no indication that the projection identified by the Examiner is connected in any way to the claw (12a) that would allow it to *trigger* the lock releasing arm to depress the lock releasing switch. In fact, as shown in the Examiner's Drawings in the Office Action mailed July 15, 2005, the projection is completely isolated from the claw.

With respect to the limitation "a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on the cassette inserting direction side of the hole to position the cassette until the cassette is automatically loaded," the Examiner has completed neglected to respond to our arguments directed to this limitation presented in the Response to Office Action mailed July 6, 2005, p. 3 (see Office Action mailed July 15, 2005, p. 3). However, in this pre-appeal brief, the Applicant takes the opportunity to reiterate that JP only shows a claw that is configured to contact the sidewall on a cassette *ejecting* direction side of the hole in the cassette (See JP, Figure 2). (Response to Office Action mailed July 6, 2005, p. 3). Moreover, the position maintained by the Examiner with respect to the aforementioned limitation is improper because the Examiner's position effectively removes explicitly stated limitations (*i.e.*, a sidewall on a cassette inserting direction side of the claw comes into contact with a side wall on *the cassette inserting direction* side of the hole to position the cassette until the cassette is automatically loaded) within the claims. (see Office Action mailed July 15, 2005, p. 2).

In view of the above, the Applicant believes that the Examiner has failed to satisfy the requirements set forth in M.P.E.P. §2131 to establish a rejection under 35 U.S.C. §102. Accordingly, a favorable decision from the panel is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/114001).

Dated: October 12, 2005

Respectfully submitted,

By  #45,079  
Jonathan P. Osha ~~THOMAS SCHEPKE~~  
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant